

Notice of Allowability

Application No.

09/117,447

Examiner

N. M. Minnifield

Applicant(s)

LUBITZ ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/4/04 and 3/31/04.
2. ☒ The allowed claim(s) is/are 1-15, 17, 19, 20, 46, 47 and 58-66, now renmbered 1-29 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/4/04
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

N. M. Minnifield
Primary Examiner
Art Unit: 1645

Ecrs' Amdt
4-4-04
MM

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monica Chin Kitts, 36,105 on March 31, 2004.

2. Applicants' amendment after final filed March 3, 2004 is acknowledged and has been entered. Claim 66 has been amended. All rejections have been withdrawn in view of Applicants amendment to the claims and arguments to rejections as forth in the Response.

3. The application has been amended as follows:

15. (Currently Amended) An isolated nucleic acid encoding a full-length, crystalline recombinant S-layer protein selected from the group consisting of

- (i) a nucleic acid comprising a nucleotide sequence from position 1 to 3684 of SEQ ID NO:1,
- (ii) a nucleic acid comprising a nucleotide sequence which encodes an amino acid sequence according to SEQ ID NO:2, and
- (iii) a nucleic acid comprising a nucleotide sequence which hybridizes with at least one of the nucleic acid of (i) or (ii) under stringent conditions, wherein the nucleic acid contains at least one peptide or polypeptide-coding insertion within the region encoding the S-layer protein, wherein the

insertion is a site located at position 582, 878, 917, 2504 or 2649 of the nucleotide sequence of SEQ ID NO. 1.

Claim 16 has been canceled.

17. (Currently Amended) A vector comprising at least one copy of a nucleic acid as claimed in claim [16] 15.

19. (Currently Amended) A transformed cell comprising a nucleic acid as claimed in claim 15 [or 16] or a vector as claimed in claim 17, wherein the cell is a gram-negative prokaryotic cell.

60. (Currently Amended) The process according to claim [49] 59, wherein said stringent conditions are washing at 60°C in an aqueous low salt buffer comprising 0.2 X SSC.

4. Claims 1-15, 17, 19, 20, 46, 47 and 58-66 have been allowed and renumbered 1-29 respectively.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. M. Minnifield whose telephone number is 571-272-0860. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

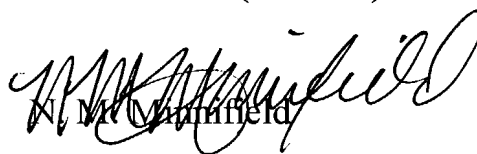
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette R.F. Smith can be reached on 571-272-0864. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Primary Examiner

Art Unit 1645

NMM

April 4, 2004